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14 a California Corporation

15 **UNITED STATES DISTRICT COURT**
16 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

17 INFINITY ENERGY, INC., a California
18 Corporation,

19 Plaintiff,

20 vs.

21 INFINITE ENERGY HOMES SERVICES,
22 INC.,

23 Defendant.

24 Case No.: 2:21-cv-00438-WBS-KJN

25 **JOINT REQUEST TO MODIFY
26 SCHEDULING ORDER AND ORDER
THEREON**

27 JUDGE: Hon. William B. Shubb
28 MAG.: Hon. Kendall J. Newman
FILED: March 10, 2021
TRIAL: October 11, 2022

29 Pursuant to Federal Rules of Civil Procedure, Rule 16(b)(4), plaintiff Infinity Energy, Inc.
30 (“Plaintiff”) and defendant Infinite Energy Home Services, Inc. (“Defendant”) (collectively, the
31 “Parties”) jointly request the court modify the pretrial Scheduling Order, issued on January 4,
32 2022.

33 The court has authority to modify the pretrial Scheduling Order for good cause. (FRCP
34 Rule 16(b)(4))

35 The Parties herein have diligently pursued their discovery obligations as well as settlement
36 discussions, however, given the complexity of issues raised in the litigation, the discovery

1 necessary to prepare for trial, and various scheduling issues, the Parties herein require additional
2 time to complete a small number of outstanding discovery items. The Parties require an extension
3 of the discovery cut-off date to complete certain depositions which have either yet to be completed
4 due to scheduling obstacles or are of witnesses which have only recently been identified during
5 PMQ depositions. Given the complexity of the issues raised, the numerous individuals identified
6 for deposition, and the extent of written discovery, the Parties believe it is in the best interests of
7 both sides to modify the Court's pretrial Scheduling Order, and to continue the trial itself.

8 The Parties have met and conferred and have identified the remaining depositions to be
9 completed including Plaintiff's PMQ, Cory Gilbert, Defendant's PMQ, Rich Walton, Plaintiff's
10 and Defendant's disclosed experts, and the brief conclusion of the deposition of Plaintiff's PMQ,
11 Wesley Armstrong. The parties have completed written discovery.

12 As such, the Parties respectfully request that the Court modify the January 4, 2022
13 Scheduling Order as follows:

- 14 1. The depositions of Plaintiff's PMQ, Cory Gilbert, Defendant's PMQ, Rich Walton,
15 Plaintiff's and Defendant's disclosed experts, and the brief conclusion of Plaintiff's
16 PMQ, Wesley Armstrong, shall be conducted as to be completed by June 30, 2022.
17 All other discovery is closed.
- 18 2. All motions, except for motions for continuances, temporary restraining orders, or
19 other emergency orders, shall be filed on or before August 31, 2022.
- 20 3. The Final Pretrial Conference shall be October 5, 2022, or as soon thereafter as the
21 Court's schedule shall allow.
- 22 4. The trial shall commence on November 30, 2022 at 9:00 a.m., or as soon thereafter
23 as the Court's schedule shall allow.

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The Parties request that all other dates included in the January 4, 2022 Scheduling Order shall remain in effect.

Dated: May 20, 2022

Respectfully submitted,

ELGUINDY, MEYER & KOEGEL, APC

By: /s/ W. Patrick Cronican

David L. Price, Esq.

Benjamin D. Koegel, Esq.

W. Patrick Cronican, Esq.

Attorneys for Plaintiff INFINITY ENGERY, INC., a California Corporation

Dated: May 20, 2022

Respectfully submitted,

KROGH & DECKER, LLP

By: /s/ Jason Eldred

Shawn M. Krogh, Esq.

Shawn M. Hough, Esq.
Jason G. Eldred, Esq.

Attorneys for Defendant INFINITE ENERGY HOME SERVICES, INC.



ORDER

Having found good cause exists pursuant to FRCP 16(b)(4), the court GRANTS the Parties' motion to modify the January 4, 2022 pretrial Scheduling Order as follows:

1. The depositions of Plaintiff's PMQ, Cory Gilbert, Defendant's PMQ, Rich Walton, Plaintiff's and Defendant's disclosed experts, and the brief conclusion of Plaintiff's PMQ, Wesley Armstrong, shall be conducted as to be completed by June 30, 2022. All other discovery is closed.
 2. All motions, except for motions for continuances, temporary restraining orders, or other emergency orders, shall be filed on or before August 31, 2022.
 3. The Final Pretrial Conference shall be **October 24, 2022 at 1:30 p.m.**
 4. The trial shall commence on **December 13, 2022 at 9:00 a.m.**

All other dates contained in the January 4, 2022 Scheduling Order shall remain in effect.

IT IS SO ORDERED.

Dated: May 20, 2022

William B. Shubb
WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE